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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,927	08/13/2004	Tsu-Ti Huang	WISP0027USA	4926

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NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION  
P.O. BOX 506  
MERRIFIELD, VA 22116

EXAMINER
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AVERY, JEREMIAH L

ART UNIT	PAPER NUMBER
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2131

NOTIFICATION DATE	DELIVERY MODE
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03/20/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/710,927	<b>Applicant(s)</b> HUANG ET AL.	
	<b>Examiner</b> JEREMIAH AVERY	<b>Art Unit</b> 2131	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 February 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 19-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 4-18 have been cancelled.
2. Claims 1-3 and 19-23 have been examined.
3. Responses to Applicant's remarks have been given.

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/21/08 has been entered.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 19, 20 and 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The terms "administrative" and "regular" found within the claims are not found within the specification, thus failing to provide sufficient support for the amendments made to said claims.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5,610,981 to Mooney et al., hereinafter Mooney.

3. Regarding claim 1, Mooney teaches a method for controlling a computing device with an security device wherein a first identification information is stored in said computing device and a second identification information is stored in said security device, said first identification information comprising administrative first identification information and regular first identification information, said computing device further comprising a BIOS program and an operation system program, said method comprising the steps of:

executing said BIOS program of said computer system (column 4, lines 46-62, “system boot ROM 126 logically connected to the CPU 123 to start executing a non-volatile program contained in PLD 129 upon initialization of the computer during power-up, clear or warm-boot reset”, column 8, lines 11-19, column 10, lines 52-58, column 12, lines 44-64, column 14, lines 54-67, “the CPU 290 will then boot from hard drive 113 in order to execute the disk operating system for secure computer 100” and column 15, lines 1-15, “to ensure that the native system BIOS is properly rebooting the computer from hard drive 113”);

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fetching said first identification information and said second identification information (column 2, lines 53-63, column 6, lines 30-49, "present proper identification information", column 10, lines 29-38, column 11, lines 48-57, column 12, lines 1-14, 19-39 and 44-64, column 14, lines 17-32, column 15, lines 51-67 and column 16, lines 1-20);

comparing said administrative first identification information with said second identification information (Figure 8, column 2, lines 53-67, "user's responses are compared to the correct answers stored on the card and, if the responses match the correct answers, the CPU is allowed to access all peripherals the user has been authorized to use", column 3, lines 1-14, "hierarchy of access privileges", column 6, lines 30-49, "requiring a minimum of three distinct sources of authorization verification information in order to access the sensitive data" and "present proper identification information", column 10, lines 29-38, column 11, lines 48-57, column 12, lines 1-14, 19-39 and 44-64 and column 15, lines 24-38 and 51-64);

querying whether to update said first identification information in response to said second identification information matching said administrative first identification information (column 9, lines 19-25, "the card must be updated to be authorized for another session");

comparing said regular first identification information with said second identification information (column 2, lines 53-63, "user's responses are compared to the correct answers stored on the card and, if the responses match the correct answers, the CPU is allowed to access all peripherals the user has been authorized to use", column 6, lines

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30-49, "present proper identification information", column 10, lines 29-38, column 11, lines 48-57, column 12, lines 1-14, 19-39 and 44-64);

skipping querying whether to update said first identification information, and executing said operation system program directly in response to said second identification information matching said regular first identification information (column 2, lines 53-63, "user's responses are compared to the correct answers stored on the card and, if the responses match the correct answers, the CPU is allowed to access all peripherals the user has been authorized to use", column 6, lines 30-49, "present proper identification information", column 10, lines 29-38, column 11, lines 48-57, column 12, lines 1-14, 19-39 and 44-64).

4. Regarding claim 2, Mooney teaches in which said second identification information does not match said first identification information, further comprising the step of turning off said computing device (column 4, lines 46-62 and column 9, lines 18-32, "freeze the computer system bus, requiring a 'cold boot', (power off and then on or 'reset')").

5. Regarding claim 3, Mooney teaches in which said second identification information does not match said first identification information, further comprising the steps of:  
querying whether to turn off said computing device or to fetch said second identification information again (column 4, lines 46-62 and column 9, lines 18-32, "freeze the computer system bus, requiring a 'cold boot', (power off and then on or 'reset') and lines 58-67);

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fetching said second identification information from said security device (column 2, lines 53-63, column 6, lines 30-49, “present proper identification information”, column 10, lines 29-38, column 11, lines 48-57, column 12, lines 1-14, 19-39 and 44-64, column 14, lines 17-32, column 15, lines 51-67 and column 16, lines 1-20);

comparing said second identification information with said first identification information (column 2, lines 53-63, “user’s responses are compared to the correct answers stored on the card and, if the responses match the correct answers, the CPU is allowed to access all peripherals the user has been authorized to use”, column 6, lines 30-49, “present proper identification information”, column 10, lines 29-38, column 11, lines 48-57, column 12, lines 1-14, 19-39 and 44-64).

6. Regarding claim 19, Mooney discloses a computing system comprising:

an administrator security device having an administrative second identification information stored therein (column 2, lines 64-67, “security administrator card”, column 10, lines 29-51, column 11, lines 39-67, “security administrator” and column 16, lines 5-20);

a computing device having a plurality of first identification information, a BIOS program and an operation system program stored therein, wherein said plurality of first identification information comprises an administrative first identification information and a regular identification information (column 2, lines 53-67, “user’s responses are compared to the correct answers stored on the card and, if the responses match the correct answers, the CPU is allowed to access all peripherals the user has been authorized to use”, column 3, lines 1-14, “hierarchy of access privileges”, column 6,

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lines 30-49, "present proper identification information", column 9, lines 19-25, "the card must be updated to be authorized for another session", column 10, lines 29-38, column 11, lines 48-57, column 12, lines 1-14, 19-39 and 44-64 and column 15, lines 24-38 and 51-64),

said computing device executing said BIOS program, fetching said administrative second identification information from said administrator security device, comparing said administrative second identification information with said plurality of first identification information, and determining that said administrative second identification information matches said administrative first identification information, and querying whether to update said first identification information or not (column 2, lines 53-63, "user's responses are compared to the correct answers stored on the card and, if the responses match the correct answers, the CPU is allowed to access all peripherals the user has been authorized to use", column 4, lines 46-62, "system boot ROM 126 logically connected to the CPU 123 to start executing a non-volatile program contained in PLD 129 upon initialization of the computer during power-up, clear or warm-boot reset", column 6, lines 30-49, "present proper identification information", column 8, lines 11-19, column 9, lines 19-25, "the card must be updated to be authorized for another session", column 10, lines 29-38 and 52-58, column 11, lines 48-57, column 12, lines 1-14, 19-39 and 44-64, column 14, lines 17-32 and 54-67, "the CPU 290 will then boot from hard drive 113 in order to execute the disk operating system for secure computer 100", column 15, lines 1-15, "to ensure that the native system BIOS is properly



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rebooting the computer from hard drive 113” and lines 51-67 and column 16, lines 1-20);

a user security device having a regular second identification information stored therein, wherein if said computing device is instructed to update said first identification information, said computing device fetches said regular second identification information from said user security device and updates said first identification information to match said regular second identification information (column 2, lines 53-63, “user’s responses are compared to the correct answers stored on the card and, if the responses match the correct answers, the CPU is allowed to access all peripherals the user has been authorized to use”, column 6, lines 30-49, “present proper identification information”, column 9, lines 19-25, “the card must be updated to be authorized for another session”, column 10, lines 29-38, column 11, lines 48-57, column 12, lines 1-14, 19-39 and 44-64, column 14, lines 17-32, column 15, lines 51-67 and column 16, lines 1-20).

7. Regarding claim 20, Mooney discloses wherein said computing device updates said administrative first identification information to match said regular second identification information (column 9, lines 19-25, “the card must be updated to be authorized for another session” and column 15, lines 24-38 and 51-64).

8. Regarding claim 21, Mooney discloses wherein said computing device updates said regular first identification information to match said regular second identification information (column 2, lines 53-63, “user’s responses are compared to the correct answers stored on the card and, if the responses match the correct answers, the CPU is allowed to access all peripherals the user has been authorized to use”, column 6, lines

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30-49, “present proper identification information”, column 9, lines 19-25, “the card must be updated to be authorized for another session”, column 10, lines 29-38, column 11, lines 48-57, column 12, lines 1-14, 19-39 and 44-64, column 14, lines 17-32, column 15, lines 51-67 and column 16, lines 1-20).

9. Regarding claim 22, Mooney discloses wherein updating said first identification information is executed by said BIOS program (column 4, lines 46-62, “system boot ROM 126 logically connected to the CPU 123 to start executing a non-volatile program contained in PLD 129 upon initialization of the computer during power-up, clear or warm-boot reset”, column 8, lines 11-19, column 10, lines 52-58, column 12, lines 44-64, column 14, lines 54-67, “the CPU 290 will then boot from hard drive 113 in order to execute the disk operating system for secure computer 100” and column 15, lines 1-15, “to ensure that the native system BIOS is properly rebooting the computer from hard drive 113”).

10. Regarding claim 23, Mooney discloses wherein updating said first identification information is executed by said operation system program (column 2, lines 53-63, “user’s responses are compared to the correct answers stored on the card and, if the responses match the correct answers, the CPU is allowed to access all peripherals the user has been authorized to use”, column 6, lines 30-49, “present proper identification information”, column 10, lines 29-38, column 11, lines 48-57, column 12, lines 1-14, 19-39 and 44-64).

***Response to Arguments***

11. Applicant's arguments filed 02/21/08 have been fully considered but they are not persuasive. With regards to the Applicant's arguments pertaining to "Mooney does not teach a way for a computer to distinguish between administrator users and regular users based on the identification information residing in their access card", the Examiner respectfully disagrees and maintains the above-cited grounds of rejection, in particular but not limited to column 2, lines 53-67, "user's responses are compared to the correct answers stored on the card and, if the responses match the correct answers, the CPU is allowed to access all peripherals the user has been authorized to use" and column 3, lines 1-14, "hierarchy of access privileges" and "coding system prevents the users with inferior access privileges from accessing the computers of those with superior access privileges".

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. The following United States Patents are cited to further show the state of the art with respect to the security and control of devices, such as:

United States Patent No. 5,892,900 to Ginter et al., which is cited to show systems and methods for secure transaction management and electronic rights protection.

United States Patent No. 6,314,525 to Mahalingham et al., which is cited to show means for allowing two or more network interface controller cards to appear as one card to an operating system.

United States Patent No. 6,463,537 to Tello, which is cited to show a modified computer motherboard and security identification system.

United States Patent No. 6,609,199 to DeTreville, which is cited to show a method and apparatus for authenticating an open system application to a portable IC device.

United States Patent No. 5,448,045 to Clark, which is cited to show a system for protecting computers via intelligent tokens or smart cards.

United States Patent No. 5,784,622 to Kalwitz et al., which is cited to show a method and apparatus for multi-protocol operation of a networked peripheral.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEREMIAH AVERY whose telephone number is (571)272-8627. The examiner can normally be reached on Monday thru Friday 8:30am-5pm.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JLA

/Syed Zia/

Primary Examiner, Art Unit 2131

March 13, 2008